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Attorneys for Respondents

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION

QIN CHEN,	)	
	)	No. C 07-2188-WDB
Petitioner,	)	
	)	
v.	)	
	)	
MICHAEL CHERTOFF, Secretary	)	<b>FURTHER CASE MANAGEMENT</b>
of Department of Homeland Security;	)	<b>STATEMENT AND SECOND REQUEST</b>
EMILIO T. GONZALEZ, Director of the	)	<b>TO EXTEND THE DATE OF THE CASE</b>
U.S. Citizenship and Immigration Services;	)	<b>MANAGEMENT CONFERENCE; AND</b>
CHRISTINA POULOS, Acting Director of	)	<b>ORDER</b>
USCIS, California Service Center; and	)	
ROBERT S. MULLER, Director	)	
of Federal Bureau of Investigation,	)	
	)	
Respondents.	)	

The petitioner, currently proceeding *pro se*, and respondents, by and through their attorneys of record, hereby jointly submit this further case management statement.

(1) On April 20, 2007, the petitioner filed this mandamus action, seeking an order compelling the United States Citizenship and Immigration Services (USCIS) to adjudicate her I-485 application to adjust her status to lawful permanent resident.

(2) The parties have filed cross-motions for summary judgment.

(3) On December 11, 2007, this Court issued an order: (a) stating that if this case is not rendered moot by agency action during the first few months of 2008, the Court denies the

respondents' motion for summary judgment; (b) declining to rule on petitioner's motion for summary judgment; (c) inviting the parties to engage in discovery on the issue of whether petitioner is in a group that is eligible for a visa now; (d) informing the petitioner that she may file a motion for summary judgment on this issue at any time before February 11, 2008, if she has developed sufficient evidence to support such a motion; (e) stating that if the petitioner has not filed a motion for summary judgment by February 11, 2008, and if USCIS has not by then made a decision on the I-485 application, then by February 19, 2008, the parties shall file a joint case management statement that appraises the Court of any relevant developments that have occurred between the date of the Court's order and now; (f) stating that if the petitioner's group is eligible for visas, or is about to become eligible for visas, it would issue a ruling on the pending motion for summary judgment; and (g) stating that if it is not clear whether petitioner's group is eligible for visas, then on February 26, 2008, the Court would conduct a case management conference.

(4) On February 21, 2008, this Court granted the parties' stipulation to extend the date of the case management conference from February 26, 2008, to March 17, 2008.

(5) The petitioner has not propounded any discovery nor filed a motion for summary judgment.

(6) The respondents continue to maintain that the petitioner is in the Second Preference Category, for which visas are not currently available.

(7) The State Department's January Visa Bulletin stated that the priority date for Second Preference Chinese applicants will be January 1, 2003.

(8) The State Department's February Visa Bulletin stated that the priority date for Second Preference Chinese applicants will still be January 1, 2003.

(9) The State Department's March Visa Bulletin<sup>1</sup> stated that the priority date for Second Preference Chinese applicants will be December 1, 2003, an encouraging jump of 11 months.

(10) The parties expect the State Department's April Visa Bulletin to be posted on the Department of State's website any day.

(11) The parties will promptly advise the Court when the State Department's April Visa

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<sup>1</sup>In the parties' stipulation to continue the case management conference, counsel for the respondents erroneously referred to the February Visa Bulletin, instead of the March Visa Bulletin.

Bulletin is posted and what that bulletin has to say about the priority date for Second Preference Chinese applicants.

(12) The parties ask this Court to delay ruling on petitioner's motion for summary judgment and to await information on plaintiff's availability for a visa in the State Department's April Visa Bulletin.

(13) The parties respectfully ask this Court to again continue the case management conference, this time until **April 21, 2008, at 1:30 p.m.**

Dated: March 12, 2008

Respectfully submitted,

JOSEPH R. RUSSONIELLO  
United States Attorney

/s/  
EDWARD A. OLSEN  
Assistant United States Attorney  
Attorneys for Respondents

Dated: March 12, 2008

/s/  
QIN CHEN  
Petitioner

**ORDER**

Pursuant to stipulation, IT IS SO ORDERED.

Date: 3/13/08

  
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WAYNE D. BRAZIL  
United States Magistrate Judge